

Message Text

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ACTION L-02

INFO OCT-01 EA-06 ISO-00 JUSE-00 SNM-02 DEAE-00 SSO-00

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC IMMEDIATE 7085

C O N F I D E N T I A L TOKYO 0087

E.O. 11652: GDS

TAGS: CPRS, PFOR, SNAR, JA

SUBJECT: JUDICIAL ASSISTANCE - DEPARTMENT OF JUSTICE DEPOSITION
REQUEST

REF: A. STATE 283493; B. TOKYO 16863

1. EMBOFF COMMUNICATED CONTENTS PARAS 1-3 REFTEL A TO FONOFF
(NUMATA) MORNING JANUARY 6, ALSO FURNISHED TEXT 2 FAM 280
ET SEQ AT HIS REQUEST. FOLLOWING LONG AFTERNOON MEETING WITH MOJ
AND POLICE OFFICIALS SAME DAY, NUMATA INFORMED EMBOFF MOJ STILL
INSISTS THAT USG INDICATE IT ACKNOWLEDGES QTE THERE IS A LINK
BETWEEN ITS REQUEST FOR THE DEPOSITION AND THE PAYMENT
OF COMPENSATION
FOR ANY DAMAGES WHICH MAY BE CAUSED BY DEFENDANTS IN CONNECTION
WITH THE DEPOSITION UNQTE. NUMATA SAID MOJ POSITION IS SO FIRM IN
THIS REGARD HE FEARS PERMISSION FOR DEPOSITION COULD BE WITHDRAWN
UNLESS USG SUPPLIES SOME FORM OF WORDING ACCEPTABLE TO MOJ
ADMITTING SUCH LINK EXISTS. HE EXPLAINED IN THIS CONNECTION
THAT GOJ APPRECIATES USG'S LEGAL DIFFICULTIES,
AS EXPLAINED REFTEL A, WITH REGARD
TO PAYING COMPENSATION, BUT ADDED QTE THIS IS ONLY HALF THE PROBLEM
UNQTE. THE OTHER HALF, HE SAID, IS POLITICAL. THE GOJ IS CONCERNED
THAT IF OPPOSITION DIET MEMBERS LEARN IT HAS AGREED TO ALLOW FOUR
CRIMINAL DEFENDANTS FROM US TO COME TO JAPAN TO BE PRESENT AT DE-
POSITION, THEY WILL PROBABLY QUERY THE GOVERNMENT AS TO WHETHER
IT WAS OBLIGATED TO DO SO UNDER THE CONSULAR TREATY. IN THAT EVENT,
THE GOVERNMENT WOULD HAVE TO EXPLAIN THAT THE DECISION TO PERMIT
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THE DEPOSITON WAS AN AD HOC DECISION, AND IT IS FEARED THIS

RESPONSE WOULD PROMPT OPPOSITION TO ASK WHAT PRECATUIONS WILL BE TAKEN TO PREVENT DEFENDANTS FROM DAMAGING JAPANESE LIVES AND PROPERTY AND WHAT PROVISIONS WILL BE MADE FOR COMPENSATION IN SUCH CASE. NUMATA SAID SOME FORM OF ASSURANCE FROM USG THAT IT IS AWARE IT HAS A MORAL, IF NOT A LEGAL, RESPONSIBILITY TO PAY COMPENSATION IN EVENT OF DAMAGES IS ESSENTIAL IF GOVERNMENT IS TO BE ABLE TO ANSWER POSSIBLE OPPOSITION CRITICISM ON THIS QUESTION.

2. NUMATA ALSO REQUESTED SOME INDICATION THAT USG PERCEIVES NO MAJOR DIFFICULTIES IN CONNECTION WITH HIS PREVIOUSLY EXPRESSED HOPE, REPORTED IN PARA 3 REFTEL B, CONCERNING ADMISSION TO US OF JAPANESE POLICE INVESTIGATORY OFFICIALS IN EVENT GOJ DESIRES TO TAKE A DEPOSITON IN US IN SIMILAR CIRCUMSTANCES.

3. NUMATA ALSO SAID JAPANESE IMMIGRATION AUTHORITIES DESIRE TO KNOW WHETHER DEFENDANTS WILL BE ACCOMPANIED ON RETURN FLIGHT TO US BY FAA MARSHALL TO WHOM THEY COULD RELINQUISH CUSTODY OF DEFENDANTS AT AIRPORT AT TIME OF DEPARTURE.
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